

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 17-2307
	:	
v.	:	
	:	Board Case No.:
ANTHONY AND ASSOCIATES, INC.	:	05-CA-153220
	:	
Respondent	:	

REPLY TO RESPONDENT’S ANSWER TO THE APPLICATION FOR
SUMMARY ENTRY OF A JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Fourth Circuit:

On November 29, 2017, the National Labor Relations Board (“the Board”), received the answer that Anthony and Associates, Inc. (Respondent) filed in opposition to the Board’s application for summary entry of a judgment enforcing its Order. The Board submits that Respondent has failed to advance any valid defense to the Board’s application, and accordingly, that the application should be granted

1. Respondent admits to all points in the Board’s application for summary enforcement of the Board’s order. In the absence of any dispute on these points, the Board respectfully renews its request that the Court summarily enter judgment enforcing the Board’s order.

2. Despite admitting to all points in the Board's application, Respondent claims in paragraph 8 of its answer that the Board's application is "premature, or in the alternative, should be stayed" because Respondent has ". . . actively sought confirmation of the backpay ordered pursuant to an installment agreement." To support its position it attaches Exhibit 3 to its answer.

But the discussion between the Board's regional office and Respondent's counsel in Exhibit 3 actually highlights why, even with these ongoing discussions, the Board is seeking enforcement of its uncontested order in this case. As the Board's Compliance Officer there stated: "The Board Order alone does not protect us against default, insolvency or potential bankruptcy. Therefore, in the absence of an acceptable form of security, we would seek enforcement the Board Order, so as to have a court judgment on the liquidated amount." Page 2, Respondent's Exhibit 3. And on page one of Exhibit 3, the Compliance Officer notified Respondent that "(t)he original deadline in my letter had been Friday, October 20. I haven't heard back from you regarding any specifics concerning the logistics of payment. Please let me know by Friday, October 27, 2017, what specific terms, including security, Respondent is offering. Otherwise, I will need to move the case forward and recommend enforcement of the Board Order." Such specifics were not forthcoming. Accordingly, the Board has applied to this Court for enforcement of its uncontested order.

While the Board will still attempt to set up an installment plan with Respondent, the facts noted above underscore why it is important for the Board to have a court-enforced order in this case.

WHEREFORE, for the reasons stated in the Board's Application and in this Reply, the Board respectfully requests that the Court summarily enter judgment enforcing the Board's order.

Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, S.E.
Washington, D.C. 20570
(202) 273-2960

Dated in Washington, D.C.
this 30th day of November, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on November 30, 2017, I electronically filed the foregoing document with the United States Court of Appeals for the Fourth Circuit using the appellate CM/ECF system. I further certify that the foregoing document was served on all parties or their counsel of record through the appellate CM/ECF system.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington, DC 20570

Dated at Washington, D.C.
this 30th day of November, 2017